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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,630	08/31/2001	Raymond Marcelino Manese Lim	0023-0030	8770
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HARRITY & SNYDER, LLP 11240 WAPLES MILL ROAD SUITE 300 FAIRFAX, VA 22030			EXAMINER EMDADI, KAMRAN	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,630

Applicant(s)

LIM ET AL.

Examiner

Kamran Emdadi

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 12, 16-24, 26-39 and 41 is/are rejected.
- 7) ☒ Claim(s) 8-11, 13-15, 25 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 19-21 and 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim et al. (U.S. Patent No. 5,982,751) hereinafter 'Kim1'.

Regarding claims 1, 19-20 and 36, Kim1 teaches a connection call registration method including receiving a request to transfer data (see description for figure 5), determining whether a counter value exceeds a threshold (see column 5, lines 30-34 and step 105 of figure 6) and transmitting or routing call data (see steps 109-110).

Regarding claims 2-3 and 21, Kim1 teaches a plurality of data streams (figure 1) and a threshold 105 associated with at least one stream (figure 6).

Regarding claims 4-6 and 37-38, Kim1 teaches setting the threshold value based on a delay, and resetting the counter value (see Abstract).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

Art Unit: 2667

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (U.S. Patent No. 6,215,768) hereinafter 'Kim2'.

Regarding claim 7, Kim2 teaches a connection admission controller for traffic monitoring including requesting bandwidth for data transferring (column 5, lines 20-23), performing a calculation at control device 40 of figure 1, to assign an available bandwidth (column 5, lines 38-44 and figure 1) and permitting data transfer based on a real available bandwidth.

Regarding claim 12, Kim2 teaches a plurality of streams, see traffic classes (figure 2).

Claims 23 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Abe et al. (U.S. Patent No. 5,982,751) hereinafter 'Abe'.

Regarding claim 23, Abe teaches a communications control system that utilizes a threshold comparing operation and a counter to provide flow control data communications. For instance, a transfer determination unit 103 includes a counter for counting a present time and comparing the present time to the transfer enabling times of the virtual circuits, the transfer enabling times providing a threshold to allow data transfer (see column 5, lines 55-67, column 6, lines 1-5, column 6, lines 50-59 and column 10 lines 8-16).

Regarding claim 26, Abe teaches at least four bits in the counter (column 3, line 47).

Claims 29-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Levine (U.S. Patent No. 6,504,818) hereinafter 'Levine'.

Regarding claims 29 and 33, Levine teaches tracking data buffered and determining whether the amount of data exceeds a threshold and reducing a data rate when the threshold is exceeded (see Abstract of Levine).

Regarding claim 30, Levine teaches storing the data information in the memory 120 (column 5, lines 10-16).

Regarding claim 31, Levine teaches programmable means for the system data via a communication interface 130 (see figure 4).

Regarding claims 32 and 34-35, Levine teaches masking a buffer (column 3, line 65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim2 in view of Baranyai et al. (U.S. Patent No. 4,499,577) hereinafter 'Baranyai'.

Kim2 is silent regarding a transfer register, a permission bit to transfer data and 128 lines used in the data communications system. Baranyai teaches a TDM conferencer used for data transfer applications. The system includes a permission bit

used to regulate data transfer (column 8, lines 58-65). The system further includes a TDM system that utilizes 128 lines with 128 time slots (column 1, line 30), and a register (column 9, lines 25-30).

Evidence of motivation to combine these two references can be found in the Background portions of these two specifications. Baranyai discloses that it would be desirable to have a communications system that utilizes voice and data communications (column 2, lines 39-40). Similarly, Kim2 teaches that computing a precise bandwidth usable for calls, and requiring a specified QoS is desired (column 3, lines 18-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the call control and voice data schemes discussed in these two references to arrive at the features recited in claims 16-18.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim1 in view of Baranyai et al. (U.S. Patent No. 4,499,577) hereinafter 'Baranyai'.

Kim1 is silent regarding a 128 lines used in the data communications system. Baranyai teaches a TDM conferencer used for data transfer applications. The system includes a permission bit used to regulate data transfer (column 8, lines 58-65). The system further includes a TDM system that utilizes 128 lines with 128 time slots (column 1, line 30), and a register (column 9, lines 25-30).

Evidence of motivation to combine these two references can be found in the Background portions of these two specifications. Baranyai discloses that it would be desirable to have a communications system that utilizes voice and data communications

(column 2, lines 39-40). Similarly, Kim1 discloses the need for a call control system that utilizes network efficiency for call integrity for systems like (i.e. PSTN) (column 2, lines 10-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the call control and voice data schemes discussed in these two references to arrive at the features recited in claims 16-18.

Claims 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim2 in view of Levine.

Kim2 teaches a connection admission controller for traffic monitoring including requesting bandwidth for data transferring (column 5, lines 20-23), performing a calculation at control device 40 of figure 1, to assign an available bandwidth (column 5, lines 38-44 and figure 1) and permitting data transfer based on a real available bandwidth. These features correspond to the first flow control device of claim 39. Kim2 is, however, silent regarding the throttle controller described in the second flow control device of claim 39. Levine teaches tracking data buffered and determining whether the amount of data exceeds a threshold and reducing a data rate when the threshold is exceeded (see Abstract of Levine).

Evidence of motivation to combine these two references is contained in the Background portions of their respective specifications. For instance, Kim2 teaches that computing a precise bandwidth usable for calls, and requiring a specified QoS is desired (column 3, lines 18-30). Similarly, Levine teaches that there is a need for a data network control scheme that fairly allocates bandwidth to active sources and guarantees

certain data rates that the network is obligated to carry. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the quality assured bandwidth allocation schemes discussed in these two references to arrive at the features recited in claim 39.

Claims 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe in view of Baranyai.

Abe is silent regarding a transfer register, a permission bit to transfer data and 128 lines used in the data communications system. Baranyai teaches a TDM conferencer used for data transfer applications. The system includes a permission bit used to regulate data transfer (column 8, lines 58-65). The system further includes a TDM system that utilizes 128 lines with 128 time slots (column 1, line 30), and a register (column 9, lines 25-30).

Evidence of motivation to combine these two references can be found in the Background portions of these two specifications. Baranyai discloses that it would be desirable to have a communications system that utilizes voice and data communications (column 2, lines 39-40). Similarly, Abe discloses the need for a data transferring mechanism that provides more accurate transfer times and improved transferring performance (column 4, lines 15-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the voice data scheme and the accuracy measuring transfer performance schemes discussed in these two references to arrive at the features recited in claims 24 and 28.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abe in view of Kim1.

Abe is silent regarding a counter value that resets when data is transmitted. Kim1 teaches a counter value that is reset when congestion is below a given threshold (column 5, lines 34-37).

Evidence of motivation to combine these two references can be found in the Background portions of these two specifications. Kim1 discloses the need for a call control system that utilizes network efficiency for call integrity for systems (column 2, lines 10-25). Similarly, Abe discloses the need for a data transferring mechanism that provides more accurate transfer times and improved transferring performance (column 4, lines 15-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the bandwidth efficiency mechanisms discussed in these two references to arrive at the features recited in claim 27.

Allowable Subject Matter

Claims 8-11, 13-15, 25 and claim 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 8, none of the above noted references, taken individually or in combination, teach a counter tracking an amount of time between data transfers and a comparator configured to compare the amount of time to a threshold value and transmit

a signal when the amount of time equals or exceeds the threshold value, as recited in claim 8. Claims 9-11 also contain allowable subject matter by virtue of their dependency on claim 8.

Regarding claim 13, none of the above noted references, taken individually or in combination, teach a plurality of counters configured to store a value representing an amount of time between data transfers, and a comparator configured to compare the counter values to corresponding entries of a register and transfer a signal when one of the counter values equals or exceeds the threshold value of the associated entry. Claims 14-15 also contain allowable subject matter by virtue of their dependency on claim 13.

Regarding claim 25, none of the above noted references, taken individually or in combination, teach having all of features of claims 23-24 in addition to 128 individual counters associated with 128 entries in a register, as recited in claim 25.

Regarding claim 40, none of the above noted references, taken individually or in combination, teach tracking an amount of time between data transfers, and a comparator configured to compare the amount of time to a threshold value and transmit a signal when the amount of time equals or exceeds the threshold value.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamran Emdadi whose telephone number is 571-272-6047. The examiner can normally be reached M-F between the hours of 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kamran Emdadi

04/04/2005


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 4/8/05